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JOEL & JOEL, LLP

# Fax

To: EXAMINER CHIN, R From: RICHARD A. JOEL, ESQ. (Reg. No. 22212)

Fax: 703-872-9306 Pages: 17

Phone: Date: 12/22/04

Re: SN: 10/605,619 (SWTVEL PAD  
PAINTER)  
ATTY DOCKET NO: P03-248-  
GAR

☐ Urgent

☒ For Review

☒ Please Comment

☒ Please Reply


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● Comments:

Attached please find petition to make special. Kindly submit same accordingly. Thank you

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IN RE APPLICATION OF <b>PERRY GARTNER</b>	
SERIAL NUMBER	FILED
10/605,619	10/14/2003
FOR <b>SWIVEL PAD PAINTER</b>	
GRP. ART UNIT	EXAMINER
1744	CHN, R

<b>CERTIFICATE OF MAILING</b>	ATTORNEY DOCKET NO: P03-248-GAR
<p>I hereby certify that the PETITION TO MAKE SPECIAL, catalog, credit card payment form, petition fee 37 CFR 1.17(h) for petitions filed under §1.102(d), are being facsimile transmitted to the PATENT AND TRADEMARK OFFICE (Fax No.: 703-872-9306) December 22, 2004</p> <p style="text-align: right;"> NANCY RISPOLI December 22, 2004</p>	

DEC 22 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## IN RE APPLICATION OF:

Applicant: Perry Gartner

Serial Number: 10/605,619

Filing Date: 10/14/2003

Invention: SWIVEL PAD PAINTER

Examiner: CHIN, R.  
Art Group: 1744STATEMENT IN SUPPORT  
OF PETITION TO MAKE  
SPECIALHON. COMMISSIONER OF PATENTS & TRADEMARKS  
Washington, D.C. 20231

Dear Sir:

1. Petitioner, Brenner International Corp. by Perry Gartner, President, located at 10 Ivy Lane, Englewood, NJ 07631, sells painting equipment such as pad painters, swivel pad painters etc., in the United States.
2. Petitioner was having its designs manufactured by Ningbo Ultra Tools (hereinafter referred to as Ningbo) located at Cicheng Industrial Zone, Jiang Bei District, Ningbo, China (315000).
3. Ningbo has appropriated petitioner's designs and is selling such designs in the United States per the attached catalog.
4. Petitioner has three applications pending the United States Patent and Trademark Office. The applications are as follows:
  - a) Swivel Pad Painter—SN 10/605,619—pending utility application
  - b) Pad Painter—SN 29/198,294—pending design application
  - c) Pad Painter—SN 29/198,295—allowed design application.
5. A rigid comparison of the alleged infringing device, product or method with the claims of the above applications SN 10/605,691 and SN 29/198,294 has been made, and that, in petitioner's opinion, are unquestionably infringed.
6. That a careful and thorough search of the prior art has been made and the petitioner has good knowledge of the pertinent prior art.
7. A copy of the references related to the respective references is attached.

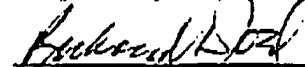
PRIOR ART PATENTS FOR SN 29/198,294

US-227,438 to Lothrop  
US-D198,563 to Burns, et al  
US-5,134,745 to Burns, et al  
US-5,678,277 to Sorenson, G  
US-D394,958 to Polzin, et al  
US-5-823,862 to Heidelberg, R.

PRIOR ART PATENTS FOR SN 10/605,619

PAT. PUB. 2002/0148057 to Hobden  
US-4,219,899 to Zurawin  
US-6,305,043 to Rosnak  
US-6,073,298 to O'Brien

Respectfully submitted,



RICHARD A. JOEL  
496 Kinderkamack Road  
Oradell, NJ 07649  
(201) 599-0588  
Reg. No. 22212

Dated: December 22, 2004

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PTO/SB/17p (11-04)

Approved for use through 07/31/2007, OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)	Application Number	10/105,619	
	Filing Date	10/14/2003	
	First Named Inventor	Perry Gartner	
	Art Unit	1744	
	Examiner Name	Chin, R	
Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450		Attorney Docket Number	P03-248-GAR

Enclosed is a petition filed under 37 CFR 1.17(f) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$130.00 is enclosed.  
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_:
- ☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.

- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

- ☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1452

For petitions filed under:

- § 1.53(a) - to accord a filing date,  
 § 1.57(a) - to accord a filing date,  
 § 1.182 - for decision on a question not specifically provided for,  
 § 1.183 - to suspend the rules,  
 § 1.370(a) - for reconsideration or decision on petition refusing to accept delayed payment of maintenance fee in an expired patent,  
 § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1453

For petitions filed under:

- § 1.12 - for access to an assignment record,  
 § 1.14 - for access to an application,  
 § 1.47 - for filing by other than all the inventors or a person not the inventor,  
 § 1.59 - for expungement of information,  
 § 1.103(a) - to suspend action in an application,  
 § 1.138(b) - for review of a request for extension of time when the provisions of section 1.138(a) are not available,  
 § 1.208 - for review of refusal to publish a statutory invention registration,  
 § 1.209 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued,  
 § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent,  
 § 1.380(a) - for patent owner requests for extension of time in ex parte reexamination proceedings,  
 § 1.380 - for patent owner requests for extension of time in inter partes reexamination proceedings,  
 § 5.12 - for expedited handling of a foreign filing license,  
 § 5.15 - for changing the scope of a license,  
 § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1454

For petitions filed under:

- § 1.10(a) - to request documents in a form other than that provided in this part,  
 § 1.04 - for accepting color drawings or photographs,  
 § 1.91 - for entry of a model or exhibit,  
 § 1.102(d) - to make an application special,  
 § 1.138(c) - to expressly abandon an application to avoid publication,  
 § 1.313 - to withdraw an application from issue,  
 § 1.314 - to defer issuance of a patent.

Richard A. Tuel  
 Signature

Richard A. Tuel  
 Typed or printed name

12/22/04  
 Date

22212  
 Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-B199 and select option 2.